

EXHIBIT 2

Declaration of Lesley Brown

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0654 CRB
)	
Plaintiff,)	DECLARATION OF SENIOR SPECIAL
)	AGENT LESLEY BROWN IN SUPPORT
v.)	OF UNITED STATES' OPPOSITION TO
)	DEFENDANT'S MOTION TO SUPPRESS
LINDA ASHIEGBU,)	
)	
Defendant.)	

I, Lesley Brown, declare:

1. I have personal knowledge of the facts set forth below, except as to those matters stated on information and belief which I am informed and believe to be true. If called as a witness, I could and would testify competently to the facts stated in this declaration.

2. I am a Senior Special Agent employed by the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"). I have been a Special Agent for six years. Prior to this I was with the Inspections Division of the (legacy) Immigration and Naturalization Service for ten years. My current assignment is to the human trafficking/human smuggling division. I have had this assignment for over one year. I am the case agent in this investigation.

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1 3. On June 6, 2007, I participated in a search of 2752 Plover Court, Hayward, California,
2 the residence of Linda and Andrew ASHIEGBU. This search was conducted pursuant to a search
3 warrant issued on June 5, 2007 by Magistrate Judge Bernard Zimmerman.

4 4. The search of 2752 Plover Court was conducted by five special agents from ICE, two
5 other ICE employees, one Special Agent from the Department of State, and two officers from the
6 Hayward Police Department. I was not present when these individuals made entry into the home.

7 5. I arrived at the house at approximately 10:15 a.m. on June 6, 2007. When I arrived at
8 the house, Andrew ASHIEGBU, Linda ASHIEGBU, and two of their children were sitting on a
9 couch in the sitting room. When I arrived, neither Andrew nor Linda ASHIEGBU was in
10 handcuffs. Linda ASHIEGBU was wearing a strapless dress that appeared to be made of a
11 velour-type material. This dress was not transparent. At no time in my presence did Linda
12 ASHIEGBU ask to change her clothes. Nothing about the manner in which she was dressed
13 seemed inappropriate, particularly considering the presence of male agents.

14 6. When I arrived at the house, none of the agents or officers had any guns drawn. I did
15 not observe any guns drawn by any agent or officer during the entire time when I was present at
16 2752 Plover Court. My gun was kept inside its holster the entire time I was at the house.

17 7. When I arrived, I began participating in the search of the residence. Shortly after my
18 arrival, Special Agent Jeffrey Rea, who was the "team leader" in charge of executing the search
19 of the house, told me that Linda ASHIEGBU was asking questions about the purpose of the
20 search. He asked me to speak with her.

21 8. I spoke with Linda ASHIEGBU in the kitchen. I did not at any point tell Linda
22 ASHIEGBU that she was under arrest. I did not consider Linda ASHIEGBU to be under arrest.
23 Linda ASHIEGBU was feeding her one-year old child baby food with a spoon during much of
24 our conversation. Linda ASHIEGBU was not handcuffed at any point when we spoke in the
25 kitchen. Linda ASHIEGBU's older daughter came freely in and out of the kitchen during our
26 conversation. The two passages connecting the kitchen to the rest of the house were both open.
27 The atmosphere of the conversation was relaxed and casual.

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1 9. I did not ever tell Linda ASHIEGBU that she was not free to leave.

2 10. ICE Special Agent Valerie Paul was also present during my conversation with Linda
3 ASHIEGBU in the kitchen. Agent Paul did not ask Linda ASHIEGBU any questions.

4 11. As soon as Linda ASHIEGBU entered the kitchen and sat down with me at the table, I
5 explained to her that we were at her house to execute a search warrant issued in an investigation
6 into potential immigration violations.

7 12. Before asking Linda ASHIEGBU any questions, I advised her of various rights.
8 Specifically, I told her that she had the right to remain silent. I told her that she had the right to
9 an attorney. I told her that she had the right to have that attorney present during questioning. I
10 told her that, if she could not afford an attorney, one would be provided to her. I told her that
11 anything she said could be used against her in a criminal or administrative proceeding. I told her
12 that she had the right to stop answering my questions at any time. I then asked Linda
13 ASHIEGBU if she understood her rights. She replied that she did. I then asked Linda
14 ASHIEGBU if she wanted to talk to me without a lawyer being present. She replied that she did.

15 13. Linda ASHIEGBU did not seem to have any trouble understanding my description of
16 her rights or my questions. Her English appeared fluent and was idiomatic. Linda ASHIEGBU
17 was coherent and alert during our conversation.

18 14. I proceeded to ask Linda ASHIEGBU questions, and she answered those questions. I
19 did not ever tell her that she had to answer my questions. During the conversation, I showed
20 Linda ASHIEGBU various documents from Emmanuel ANYANWU's immigration file, and she
21 told me which documents she had filled out and signed. I asked her if she had filled out similar
22 documents for anyone else. When she told me she had filled out documents for her sister, I asked
23 her for her sister's name. Linda ASHIEGBU then said that she did not want to discuss her sister
24 or provide me her name. I did not press her to give me this information. I did not instruct Linda
25 ASHIEGBU to call her sister.

26 15. At no time in my presence did Linda ASHIEGBU ask to speak with a lawyer. At no
27 time did any other agent or officer present tell me that Linda ASHIEGBU had asked to speak to a
28

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1 16. When I spoke with Linda ASHIEGBU, I was not informed by anyone, including
2 Linda ASHIEGBU, that Phil Vaughns had represented her in a prior matter. Until Linda
3 ASHIEGBU filed this motion, I was not aware that Phil Vaughns had ever represented Linda
4 ASHIEGBU in a matter before June 6, 2007. I was aware that Phil Vaughns had represented
5 Linda ASHIEGBU's brother, Emmanuel ANYANWU, in immigration proceedings. None of the
6 documents submitted in connection with that proceeding mentioned that Phil Vaughns
7 represented Linda or Andrew ASHIEGBU. I would not have interviewed Linda ASHIEGBU if
8 she had asked to speak to a lawyer or if I had known she was represented by counsel.

9 17. I did not ever tell Linda ASHIEGBU that I would take her children away if she did
10 not answer questions.

11 18. I interviewed Linda ASHIEGBU for approximately forty-five minutes. After the
12 interview, I participated in the search of the house.

13 19. I left the ASHIEGBU residence at approximately 1:20 p.m. on June 6, 2007. No
14 one at the ASHIEGBU residence was arrested on June 6, 2007.

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16 I declare under penalty of perjury, that the foregoing is true and correct to the best of my
17 recollection and belief. Executed this 27 day of May, 2008 at San Francisco, California.

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19 LESLEY BROWN
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EXHIBIT A

To Declaration of Lesley Brown

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Department of Homeland Security
U.S.C.I.S.
630 Sansome Street
San Francisco, CA 94111

June 5, 2007

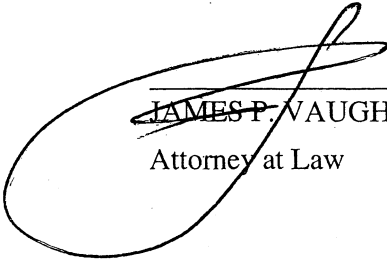
Re: Emmanuel Anyanwu

Dear Madam/Sir,

I have been retained by Emmanuel Anyanwu and Kevina Mays to represent them in their immigration matters before your agency.

The petitioner, Ms. Mays, is unable to attend the scheduled interview on June 6, 2007, at 9:00 a.m. due to continuing health concerns. It is expected that she will be fit to travel within two weeks. Please accept this request for a final rescheduling and know that the petitioner and applicant understand the burden this places on your agency and would not frivolously waste your time and resources.

Sincerely,



JAMES P. VAUGHNS

Attorney at Law

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